

STATE ADVISORY COUNCIL ON THE EDUCATION OF CHILDREN WITH DISABILITIES

November 14, 2003
Omni Indianapolis North Hotel
Indianapolis, Indiana

APPROVED

ADVISORY COUNCIL MEMBERS PRESENT:

Kyle Aldridge, Gary Bates, Craig Bell, Brett Bollinger, Steve Cook, Marti Farris, Cathlene Hardy-Hanson, Bessie Henson, John Nally, Terry Huser, Brian Ketzner, J. Bret Lewis, Mary Ramos, David Schmidt (Chair), Julie Swaim, Jane Swiss, Glenn Tebbe, and Steve Tilden.

DOE STAFF PRESENT:

Paul Ash (Representing Bob Marra), Brenda Alyea, Jennifer Campbell, Kim Payton, Nancy Zemaitis.

OTHERS PRESENT:

Sharon Knoth, Julie Lam (interpreter), Wendy Yoder Nice (interpreter).

Approval of draft minutes from June 20, 2003, Council meeting

David Schmidt, the chair of the Advisory Council, called the meeting to order at 9:35 a.m.

Council members reviewed the minutes from the June 20, 2003, meeting. Two corrections were made in the minutes: Steve Tilden's name was added to the list of those in attendance, and Glenn Tebbe corrected a name spelling error.

Motion was made by Tebbe to accept the minutes as amended, seconded by Huser. Motion passed.

Update on the reauthorization of the Individuals with Disabilities Act (IDEA)

Paul Ash began the meeting with discussion on the reauthorization of the IDEA 97.

Congress is considering the reauthorization of IDEA 97. It is unlikely that the bill will be considered before this session of Congress ends. The full Senate may consider the bill by spring of next year. The IDEA reauthorization is important to all states because it guides the development of state rules for providing special education and related services. Thus, the IDEA reauthorization will likely impact revisions to Indiana's Article 7.

The issues being discussed for IDEA's reauthorization can be found on a web site called "Legislative Updates" by the Council for Exceptional Children (CEC). Many organizations have web sites with IDEA reauthorization perspectives; the CEC site was selected because it presents a fairly balanced advocacy position.

The Education for All Handicapped Children Act, which preceded IDEA, authorized Congress to provide 40% of excess special education costs. The current level of federal support is approximately

17%. The authorized percent level does not guarantee 40%, it merely authorizes appropriations to that level. Most organizations are united and supportive in regard to increasing the federal share of costs to 40%.

The next area discussed was the Response to Intervention (RTI) proposal. The RTI approach provides interventions to all struggling students. Many states currently use some type of discrepancy model to identify students' learning disabilities, with the discrepancy between intellectual potential (IQ) and academic achievement being the determining factor. One problem with the discrepancy model is that it has been described as a "wait and fail process" that requires students to fail before they can be found eligible for services.

Steve Tilden asked about the transition from First Steps to school-aged programs and whether students had to "fail" to be eligible for these programs. Mr. Ash noted that this area is a priority for the Division of Exceptional Learners (DEL) and First Steps. Indiana's Self-Assessment identified early childhood transition as "below target performance level" and strategies for improvement were developed. The primary strategy for DEL is annual monitoring of all schools for improvement to 100% in this area.

David Schmidt commented on the alignment of IDEA and No Child Left Behind (NCLB) with regard to highly qualified personnel, teachers, and paraprofessionals. He noted that many paraprofessionals will not be inclined to return to school to obtain an Associate degree.

Jane Swiss discussed the issue of personnel shortages and the change from the previous "limited licenses" to the new "emergency licenses," which requires additional training and has time limits.

David Schmidt observed that it is difficult to find persons interested in teaching as a career; new requirements may further discourage candidates.

Jane Swiss noted that training teachers is becoming more complicated in the area of special needs—limited licenses. The K-12 special educators must have three licenses. Recently, the South Bend Community Schools mailed a letter stating that teachers will be required to pick up a content area license. The NCLB intent is good, but the consequences will have serious implications for people in the schools.

David Schmidt observed that the trend seems to be teachers spending five to six years in college in order to obtain their licenses; if so many licenses are required in order to teach, we will have fewer people interested in teaching. Six years of college for a \$32,000 annual salary is not much of an incentive to teach.

Paul Ash reported that of the more than 1900 limited licenses for 2001-02, over 1600 were in special education areas. The area of the emotionally handicapped (EH) is the area where most limited licenses are issued. As a state we train enough EH teachers, but this is a difficult job and EH teachers tend to "burn out" after a few years.

Jane Swiss asked about testing, accommodations, and reporting with regard to IDEA and NCLB.

Paul Ash replied that NCLB requires that 95% of all students participate in statewide testing per NCLB. Accommodations are allowed and students with severe cognitive disabilities may be assessed with an alternate assessment. The alternate assessment students are limited to those who are three or more standard deviations below the mean in adaptive behavior and intellectual function, and it is limited to 1% of students in the grade tested. Indiana Statewide Testing for Educational Progress (ISTEP) results are available on the DOE web site, and a disaggregation report is prepared for students with disabilities.

Terry Huser asked what would happen if the revised IDEA is not passed for two or three years? Will the law continue as is?

Paul Ash replied that the current IDEA would remain in effect but a continuing resolution or other appropriation would be necessary to continue funding. There is a lot of interest in reauthorization of IDEA because of the recognized need to align IDEA with NCLB.

Bret Lewis observed the problems that small districts face when attempting to meet the Adequate Yearly Progress (AYP) requirements of NCLB. Hopefully, NCLB, IDEA, and Article 7 can help assure that an entire building or district will not be labeled as failing because a few students failed to make AYP.

Gary Bates observed that the intent of NCLB is good, but it will potentially have the opposite effect—schools and corporations will not be able to meet AYP because the special education breakdown prevents it.

Paul Ash noted that some students with individualized education programs (IEP) are not properly identified on the ISTEP (discovered while monitoring); as a result, an artificially low percentage of these students are identified as participating in the ISTEP, which has an effect AYP.

David Schmidt noted that schools must determine which students participate in ISTEP or the Indiana Standards Tool for Alternate Reporting (ISTAR), and that it is not appropriate for some students to participate in the ISTEP.

Bret Lewis asked how realistic is the expectation that a student who is two standard deviations below the mean will actually achieve grade level proficiency in the academic standards.

Jane Swiss, David Schmidt, Paul Ash, and Brenda Alyea discussed the implications of being assessed through ISTAR versus the ISTEP. Concern was expressed that once students are assessed through ISTAR they cannot be on a diploma track. It was explained that students can take both ISTEP and ISTAR, and ISTAR can be used to demonstrate academic proficiency in order to be eligible for a diploma through the “alternate documentation,” or “waiver” process.

General Supervision Grant

Paul Ash presented on the General Supervision Enhancement Grant recently received by DEL.

The grant, in the amount of \$311, 000, is a one year (with possibility of one year extension) grant designed to assist the Division of Exceptional Learners integrate data for supervision, planning, and monitoring purposes. There are many data sources used by DEL, including CODA Child Count Data, Graduate Follow-up Data, Disproportionality studies, ISTEP reports, ISTAR data, and due process data. As sophisticated as these various systems are, they are not integrated; each is a separate “silo” of data that must be used by itself. The purpose of this grant is to integrate these data sources so that these various “silos” communicate with one another, thus creating a more powerful data system for the state, local schools, and stakeholders. This grant will concentrate on improving capabilities within the Department of Education so this coordination of data can be achieved.

Paul Ash invited any Advisory Council member with an interest in participating on the steering committee of this grant to let him know. John Nally expressed an interest. Paul asked for additional participants to contact him.

State Improvement Grant

Nancy Zemaitis presented on the State Improvement Grant received by the Division in September.

Nancy Zemaitis, John Hill (from DOE), and Teresa Grossi (IU), prepared a 100 page proposal for a state improvement grant. The conceptual framework of the grant is based on how the student learns, a child's access to education, collective partnerships that exist, and the quality and quantity of personnel.

The goals of the five-year grant are: to improve and enhance post-secondary education and employment outcomes for students with disabilities; to improve early childhood programs and transition; to assist school age students to successfully meet challenging academic and behavior standards; to improve system -level partnerships and collaborations among families, schools, and community agencies; and to improve the quantity and quality of personnel to meet students needs.

The grant will be used to work with nine low performing school corporations across the state. In order to identify low performing schools, the following data will be reviewed: academic performance of students with disabilities; postsecondary outcomes for students with disabilities; professional development needs of personnel serving students with disabilities; effectiveness and coordination of early intervention, general education, and special education systems in meeting the needs of students with disabilities; and analysis of major findings of the most recent reviews of State compliance.

School corporations will have at least three years of support. There will be one project coordinator from the DOE and a co-director from IU. Three site coordinators will work specifically with the identified school corporations—each having three corporations and working for two years. There will be a family coordinator as well so that families can be active in the solution and in identifying the gaps of the deficient school corporation. A technical system support coordinator will be hired to collect, use, and keep the data. Groups such as IN*Source will work with teachers from the local school, and there will be representatives from the local school corporation.

Indiana's Continuous Improvement and Focused Monitoring process

Brenda Alyea presented on Indiana's Continuous Improvement and Focused Monitoring System.

Indiana's special education monitoring system is designed to be parallel to the OSEP monitoring and reporting system. This helps to assure that only the most important areas are monitored and that current data is collected for submitting with Indiana's Annual Performance Report (APR). Further, Indiana monitors all planning districts on an annual basis to track improvement and have current data for the APR.

Two major improvements with Indiana's current system of monitoring are: (1) reducing the number of actual Performance Indicators to a more manageable number, and (2) frontloading data on performance indicators so that planning districts know what data is being used and do not have to resubmit data.

Copies of Indiana's Performance Indicators for 2003-04 were distributed. It is believed that these Performance Indicators will provide current data for all but one of the APR sections. Indiana is one of few states to have current data based on annual monitoring. This is believed to be one reason Indiana's earlier Self-Assessment and Improvement Plans were accepted by OSEP. Members were directed to several Performance Indicators where they could see the positive effects of "frontloading" data in areas such as incidence rates and disproportionality. Members commented positively.

Indiana's System of Outreach

Sharon Knoth discussed the Indiana Statewide System of Outreach for Exceptional Learners (ISSOEL).

ISSOEL is intended to coordinate several currently available services (PATINS, IERC, large print production, gifted and talented), make them more convenient, and provide the services in an economical manner. ISSOEL will be housed at the School for the Blind in Wilson Hall, which is being renovated for this purpose.

There was additional discussion concerning ISSOEL services, closed captioning, and assessment of VI students as the ISSOEL presentation concluded.

End of Year Report: Complaints, Mediations, and Due Process Hearings

Paul Ash presented the annual report on special education due process hearings and reviewed the information contained in the handout for the End of Year Report: Complaints, Mediations, Due Process Hearings. During the twelve-month period from July 1, 2002 to June 30, 2003, there were 69 hearings requested. Of these, 43 were ultimately dismissed. Twenty-four of the hearing requests resulted in a written decision (and 2 are pending), and 13 of the written decisions were appealed to the Board of Special Education Appeals. Mr. Ash explained that due process hearings are dispute resolution mechanisms which are designed to resolve case conference disputes concerning eligibility, length/intensity/duration of services, or other matters concerning FAPE in the LRE. Issues of appropriate placement/services and provision of FAPE occurred in more than 80% of hearings requested.

Complaints are allegations that a school has violated federal or state special education laws, or has failed to comply with an order issued by an independent hearing officer or the Board of Special Education Appeals. Indiana is believed to have the shortest (best) investigation timelines for special education complaints in the nation. Most complaints in Indiana are investigated within thirty calendar days. Indiana's DEL investigated 105 complaints from July 1, 2002 to June 30, 2003. Seventy-five percent of the investigated complaints resulted in a finding of non-compliance in one or more areas, and corrective action was ordered.

Fifty-two mediations were requested from July 1, 2002 through June 30, 2003. Thirty-nine of those requested resulted in a mediation session. Seventy-two percent of those mediated resulted in resolution of all or some of the issues.

Indiana Roundtable and the P-16 Plan

Paul Ash distributed the latest (4th) version of the P-16 education plan for Indiana. Mr. Ash invited Advisory Council Members to review the P-16 Plan and participate in future P-16 Plan activities for implementation.

David Schmidt commented that he had reviewed the P-16 Plan and found parts of it detrimental for kids in special education; students in Indiana who do not graduate with the Core 40 Program cannot receive state aid as default.

David Schmidt advised Advisory Council members to read and ponder the P-16 Plan.

Glenn Tebbe noted that the P-16 Plan says working draft, but this has been finalized by the Round Table.

Division Update: Project Vision

Sharon Knoth reported on Project Vision.

Project Vision (PV) is a component of the Individualized Education Project at Indiana State University (IEP @ ISU). The Director of PV is Karen Goehl. The overall goal of PV is to increase the availability and expertise of teachers of the visually impaired (TVI) and enhance their capacity to work with deafblind students.

PV has three roles:

1. In-service activities for TVIs throughout the state. Activities that are sponsored offer CRUs to assist TVIs in renewing their license.
2. Pre-service training program focused on teachers working on a limited license in VI using distance education (WebCT). This program is a collaborative effort with Ball State University and Indiana State University. Some of the modules in the program incorporate components of the IDEAL Partnership website (that Jane Swiss is the director of). The program is a combination of distance education and face-to-face instruction. There is one evening meeting each month and one weekend seminar per semester to present concepts to the cohort that cannot be taught using distance education.
3. Outreach activities for TVIs in Indiana. There is a closed list serve established specifically for TVIs in Indiana. We are losing an average of six to eight TVIs each year (and are barely replacing them as they leave). The outreach activities are in place to support teachers as they are working with students and encountering issues where they would like support. PV will soon develop mini modules that TVIs may access (using the IDEAL Partnership website as the method for delivery) to assist them in keeping current with changing technologies.

Other Business

No other business.

Future Advisory Council meetings, 2003-2004 school year

There are two meetings left for the school year:

- 1) February 13, 2004, at the Department of Education, James Whitcomb Riley Room, 151 West Ohio Street, Indianapolis, Indiana
 - To review and revise comprehensive plan from Northeast Indiana Special Education Cooperative (adding a charter school to the cooperative)
- 2) May 7, 2004, at the Omni Indianapolis North Hotel, 8181 North Shadeland Avenue

Meeting adjourned at 2:40 p.m.